

GIBSON LAW FIRM, PLLC

SUJATA S. GIBSON, ESQ.  
408 W Martin Luther King, Jr. St.  
Ithaca, New York 14850

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Writer Direct Cell Phone: 607-327-3284

**VIA ECF**

Hon. Valerie E. Caproni  
United States District Court  
Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square, New York, NY 10007

Re: Kane, et al v. de Blasio, et al  
Docket 21 civ 7863

Dear Judge Caproni,

Plaintiffs attach a witness list and list of additional exhibits to be addressed at Tuesday's preliminary injunction hearing with the witnesses. In addition, plaintiffs rely for this motion on all declarations, exhibits thereto and other factual materials submitted with the moving papers or supplemental papers.

Last, Plaintiffs wish to call Dr. Bhattacharya to give expert testimony about whether Plaintiffs pose a "direct threat" to others based on their vaccination status with this vaccine.

Dr. Bhattacharya was gracious enough to agree to appear and block off the morning. However, he is unable to fly here from Stanford on such short notice due to important appointments that were already in place which he cannot break on Monday and Wednesday.

I spoke to Attorney Minicucci last night about the matter. She initially indicated that it would probably be acceptable and that she would follow up in writing the next morning. However, today I received an email from counsel stating that they object on the grounds that Dr. Bhattacharya's testimony is "irrelevant."

I note that the memorandum of law just filed by Defendants indicates that they contest the facts that Dr. Bhattacharya is prepared to give expert testimony on. Therefore, I would respectfully ask that this Court allow him to testify by remotely by whatever method the Court prefers.

Respectfully Submitted,

*/s/ Sujata S. Gibson*

Counsel for the Plaintiffs

Cc: All counsel via ECF